

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

## ORDER

The Court is troubled by the incongruity of the First Amended Complaint and the theory of recovery advanced by plaintiffs in open court on February 8, 2005. Despite counsel's efforts to highlight the sources of their "continuing disappointed bidder" theory in the text of the Amended Complaint, the Court has been unable to match the arguments with the allegations in the Amended Complaint.

The Court will afford plaintiffs one final opportunity to amend the complaint to accurately reflect plaintiffs' current theory of the case. In their Second Amended Complaint, plaintiffs are directed to precisely respond to each and every argument raised by defendants' compelling motions to dismiss. In light of plaintiffs' express abandonment of theories based on their alleged "contractual rights" in the Timor Sea, the Court will view with great suspicion any claims emanating from

Portugal's colonial concession. Plaintiffs are also directed to allege specific jurisdictional facts supporting this Court's jurisdiction over each foreign defendant under the Foreign Sovereign Immunities Act.

Accordingly, it is hereby

**ORDERED** that plaintiffs' First Amended Complaint is **DISMISSED WITHOUT PREJUDICE** to the filing of a Second Amended Complaint addressing the Court's concerns described above, by no later than March 1, 2005. It is

**FURTHER ORDERED** that defendants' pending motions to dismiss are **DENIED AS MOOT**. Defendants may file renewed motions to dismiss by no later than March 21, 2005; responses are due by no later than April 11, 2005; replies by April 21, 2005.

**IT IS SO ORDERED.**

**Signed:** **Emmet G. Sullivan**  
**United States District Judge**  
**February 9, 2005**